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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/303,424	05/03/1999	JUSSI LEMILAINEN	017.37066X00	8349

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EXAMINER

DURAN, ARTHUR D

ART UNIT	PAPER NUMBER
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3622

DATE MAILED: 04/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/303,424

Applicant(s)

LEMILAINEN ET AL.

Examiner

Arthur Duran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 December 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-25 have been examined.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-25 are rejected under 35 U.S.C. 102(e) as being unpatentable over Barber (5,930,777).

Claims 1, 21, 22, 23, 24, 25: Barber discloses charging for pay-per-access to a vendor network. Barber further discloses:

inputting a user request to a first network which requests that the user be authorized for connection to the packet data network that the web page is on through a second network (col 5, lines 5-11; col 5, lines 64-68);

transmitting from the first network to the second network the user request and an authorization of payment to the second network by the first network for the use by the user of the packet data network (col 7, lines 45-67);

transmitting from the second network to the first network authentication information granting the user authentication to obtain connection through the second network to the packet data network (col 7, lines 45-67); and

transmitting the authentication information from the first network to the user which informs the user that authentication to obtain connection to the packet data network has been obtained (col 2, line 60-col 3, line 5).

Barber further discloses that an access to a webpage on a network can be set to be valid during specific times or limited time periods (col 7, lines 45-53).

While Barber does not explicitly state that the consumer is being charged for access to the vendor network. Barber does state that the consumer is being charged for access to a website on a network. Therefore, it is inherent that the consumer is being charged for access to whatever is on the vendor's network at a specific site or sites. Therefore, it is inherent that the consumer is being charged for access to the vendor network.

Barber further discloses a first network, a second network, and a packet data network (Fig. 4a; Fig. 4b; Fig. 5; col 10, lines 17-67; col 2, lines 35-51; col 3, lines 4-23; col 4, lines 50-55).

Barber further discloses that the second network debits from a stored value of service units which have been granted to the user a number of consumed service units, which are identified in each request for consumption of at least one service unit until the number of

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consumed service units equals the number of granted service units (col 5, lines 50-56; col 9, line 23-30; col 2, lines 62-66).

Claim 2: Barber discloses a method in accordance with claim 1, and further discloses that the user request includes a quantification of connectivity which the user requests to the packet data network (col 7, lines 45-64; col 2, line 60-col 3, line 5).

Claim 3: Barber discloses a method in accordance with claim 2, and further discloses that the quantification comprises at least one service unit with each service unit being encoded with a random number (col 10, lines 45-50; col 8, line 65-col 9, line 16; col 7, lines 15-31; col 8, lines 13-20).

Claim 4: Barber discloses a method in accordance with claim 3, and further discloses that each service unit is encoded with a different random number (col 10, lines 45-50; col 8, line 65-col 9, line 16; col 7, lines 15-31; col 8, lines 13-20). Barber further discloses that the links can be retokenized after every consumer access (col 9, line 17-23). Therefore, it is inherent that each access has a different random number.

Claim 5, 7, 9, 11: Barber discloses a method in accordance with claim 1, 2, 3, 4, and further discloses that the authentication information comprises a shared key which may be used to create secure communications between the user and the packet data network (col 6, line 62-col 7, line 10; col 7, line 32-43).

Claim 6, 8, 10, 12: Barber discloses a method in accordance with claim 5, 7, 11 and further discloses that authentication information is a subscriber identification module SIM comprising a number n of service units with each service unit comprising a different random access number uniquely identifying each service unit, a signed response SRES and the shared

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key Kc (col 6, line 62-col 7, line 10; col 7, line 32-43; col 10, lines 45-50; col 8, line 65-col 9, line 16; col 7, lines 15-31; col 8, lines 13-20; col 5, lines 50-56; col 9, line 23-30).

Claim 13, 14, 15, 16, 17: Barber discloses a method in accordance with claim 1, 2, 3, 4, 5, and further discloses that the inputting of the user request to the first network, the transmitting of the user request and an authorization of payment to the second network, and the transmitting of the authentication information from the second network to the first network and to the user are by secure communications (col 6, line 62-col 7, line 10; col 7, line 32-43; col 1, lines 27-35; col 2, lines 40-45; col 2, lines 62-66; col 5, lines 42-46; col 7, lines 47-53).

Claim 18: Barber discloses a method in accordance with claim 3, and further discloses that after the user is informed that authentication to obtain connection to the packet data network has been obtained, the user transmits to the second network at least one request for consumption of at least one service unit comprising a random number RAND and a signed response SRES; the second network compares the random number RAND and signed response SRES of each request for consumption of at least one service unit received from the user with stored random numbers RAND and signed responses SRES to determine if a match exists; and if a match exists, the second network permits data packets to pass through the second network between the user and the packet network (col 10, line 61-col 7, line 20; col 9, line 40-col 10, line 17).

Claim 19: Barber discloses a method in accordance with claim 18, and further discloses that the second network debits from a stored value of service units which have been granted to the user a number of consumed service units which are identified in each request for

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consumption of at least one service unit until the number of consumed service units equals the number of granted service units (col 5, lines 50-56; col 9, line 23-30; col 2, lines 62-66).

Claim 20: Barber discloses a method in accordance with claim 19, and further discloses that each unused service unit is stored in the second network in a hash table and each used service unit is stored in the second network in a hash table (col 10, lines 17-67; col 8, lines 45-65).

Conclusion

The following prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- a. Walker (5,737,414) discloses charging a consumer for access to a network.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arthur Duran whose telephone number is (703)305-4687. The examiner can normally be reached on Mon- Fri, 7:30-4:00.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on (703)305-8469. The fax phone numbers for the organization where this application or proceeding is assigned are (703)872-9326 for regular communications and (703)872-9327 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-1113.

AD

March 26, 2003


JAMES W. MYHRE
TRAINING EXAMINER
ART UNIT 3622